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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,565	10/20/2000	William F. Brooks Jr.	40234/MEG/A484	7788
23363	7590	08/12/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			GORT, ELAINE L	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	

3627

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/693,565

Applicant(s)

BROOKS JR. ET AL.

Examiner

Elaine Gort

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-10, 17-20, 25 and 26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10, 17-20, 25 and 26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. **Claims 1-10, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

It is unclear in claim 1 line 31 as to what is meant by the accounting period as an accounting period (before predetermined event) is claimed in line 10 and another accounting period (after predetermined event) is claimed in line 12.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**4. Claims 1, 2, 4, 17-20, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks, Jr. et al. (US Patent 6,067,530).**

Brooks, Jr. et al. discloses the claimed system but does not expressly show the identifier data to not include values including a date and/or time of the predetermined event.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The transmitting and identification steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use any type of data having any type of content because such data does not functionally relate to the steps in the system claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention. See MPEP 2106 VI. for further details.

Brooks, Jr. et al. disclose the claimed cash control system comprising:

a safe assembly (see figure 1A; such as safe 24 which cashiers feed money) with a currency reader;

a memory with software that updates and stores a pair of identifiers that distinguish deposit information accumulated during an accounting period before a

predetermined event and deposit information accumulated during an accounting period after the predetermined event (Figure 1B and figure 6 disclose a controller computer 36 with program memory 94 that updates and stores a pair of identifiers such as a canister begin and an end date, see column 9 lines 65+ regarding the memory and column 19 lines 60+ regarding begin and end dates). These identifiers distinguish deposit info accumulated during an accounting period, such as the accounting period of the canister's collection period, before a predetermined event, such as the predetermined event of midnight, from deposit information accumulated during an accounting period after the predetermined event, such as the tracking of deposit information after midnight but still in the same canister, see column 19 lines 60+);

a central control unit (controller 36 shown in figure 1b and figure 6) receiving deposit information from the safe assembly that generates and transmits deposit reports (controller 36 generates/provides for example canister close-out reports, column 11 line 67, and transmits them to the store host computer, see figures 1B and 6);

the central control unit uses the software to update and transmits the pair of identifiers (The dates are updated by the controller 36 with the real time clock calendar 96 and transmits via the serial port 102 to the host computer 43, see figure 6);

wherein the central control unit uses the software to indicate whether the deposit information was accumulated during an accounting period before a predetermined event and deposit information accumulated during the accounting period after the predetermined event (system generates and transmits deposit reports with begin and end date identifiers, column 19 lines 55+) by making the identifiers to be different from

one another or to be identical to each other (Begin and end date identifiers are identical if the information was accumulated during an accounting period of the canister collection period when the canister begin and end date are on the same day which indicates that the information was accumulated during an accounting period before a predetermined event of midnight. Begin and end date identifiers are different from one another when the information was accumulated during an accounting period after the predetermined event of midnight as the begin date will be different from the end date.);

a cash information server (store host computer 43 or headquarters computer 32) configured to receive the deposit information and identifiers from the central control unit and to identify the amount of cash collected by the business establishment during the accounting period (column 6 line 54+);

(Regarding claim 2) further comprising a printer with a bar code generator coupled to the central control unit (column 6 lines 45-47);

(Regarding claim 4) further comprising an additional safe assembly and currency reader where the central control unit is configured to receive deposit information from the additional safe assembly (in this scenario the central control unit is construed to be made up of both the controllers 36 and the store host computer 42 and transmits deposit reports to the headquarters computers 32 as shown in figure 1B);

(Regarding claims 17-20) Brooks, Jr. et al. discloses the claimed system but does not expressly show the identifier data and, regarding claim 20, the print out data, to include values derived as claimed in claims 17-20 (e.g. based on armored car pickup, etc...). However these differences are only found in the nonfunctional descriptive

material and are not functionally involved in the steps recited. The transmitting and identification steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use any type of data having any type of content because such data does not functionally relate to the steps in the system claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention. See MPEP 2106 VI. for further details; and

(Regarding claim 26) further comprising a transmitter for transmitting the pair of identifiers (figure 6 discloses a serial port 102 for transmitting data including the begin and end dates to the store host computer 43).

**5. Claims 3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks, Jr. et al. (US Patent 6,067,530), as modified above, in view of Examiner's Official Notice.**

Regarding claim 3, the Examiner takes Official Notice that the use of MICR (magnetic-ink character recognition) for electronically communicating data is notoriously old and well known in the art of data communication and the use of MICR is especially common for use in identifying bank checks and it would have been obvious to use MICR to produce low cost, accurate and speedy data communication of deposited check information. It would have further been obvious to one having ordinary skill in the art at

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the time the invention was made to provide the cash control system of Brooks, Jr. et al., as modified above with MICR as taught by Examiners Official Notice in order to provide low cost, accurate and speedy communication of deposited check data among the parties of interest.

Regarding claim 5, the Examiner takes Official Notice that the use identifiers is notoriously old and well known in the art of data communication to identify what the data is related to. It would have further been obvious to one having ordinary skill in the art at the time the invention was made to provide the deposit reports of the cash control system of Brooks, Jr. et al., as modified above, with the identification of the drop safe's cashier station number (as shown at the top of figure 1B) as taught by Examiners Official Notice in order to identify which cashier station drop safe the report is from.

(Regarding claim 6) wherein the central control unit is configured to identify when the safe is opened and the cash stored in the safe is removed (column 11 lines 62+);

(Regarding claim 7) wherein the identifiers are a sequence number and an alternate sequence number, wherein the central control unit is configured to adjust at least one of the sequence number and the alternate sequence number based on removal of the cash from the safe (the end date is adjusted based on removal of the cash from the safe, column 19 line 61);

(Regarding claims 8-10) Brooks, Jr. et al. discloses the claimed system but does not expressly show the identifier data to include values derived as claimed in claims 8-10. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The transmitting and identification



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steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use any type of data having any type of content because such data does not functionally relate to the steps in the system claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention. See MPEP 2106 VI. for further details.

### **Conclusion**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

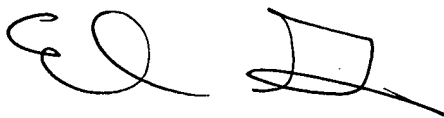
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Tuesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571/272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'EG' followed by a stylized flourish.

Elaine Gort  
Examiner  
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August 10, 2005